

Affirmative Action Plan



**State of Louisiana
Department of Transportation and
Development**

Effective September 2005

**EQUAL EMPLOYMENT OPPORTUNITY
PROGRAM**

AFFIRMATIVE ACTION PLAN

LOUISIANA

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

September 2005

AFFIRMATIVE ACTION PLAN

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CHAPTER I

EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

1. EEO POLICY STATEMENT. The Department's formal policy statement reads, as follows:

It is the policy of the Louisiana Department of Transportation and Development (DOTD) to assure equal employment opportunity to all employees and applicants for employment. Equal opportunity will be offered regardless of race, sex, religion, color, national origin, age, disability, or any other non-merit factor, and applies to all employment practices, including recruitment, employment, compensation, training, promotions, transfers or assignments, recognition, disciplinary actions, layoffs, other terminations, and benefits.

To support our commitment to the principle of equal employment opportunity, DOTD updates its Affirmative Action (AA) Plan on an annual basis. The AA Plan establishes specific, measurable and attainable hiring and promotion goals designed to achieve and maintain an equitable representation of women and minorities. The Human Resources Section, responsible for the administration of the EEO Program and the AA plan, continuously evaluates and monitors progress made by organizational units towards achieving assigned goals, and provides assistance to agency administrators in fulfilling their responsibilities. The Human Resources Director regularly provides reports and recommendations to the Secretary on the progress of this program.

Equal employment opportunity is the law. All employees are required to refrain from any form of discriminatory or harassing behavior. Supervisors are required to practice and promote equal employment opportunity, nondiscrimination, and affirmative action in their areas of jurisdiction and are held responsible for any discriminatory or harassing behavior they fail to appropriately address and correct.

Any employee who feels this policy has been violated should immediately report the matter to his/her supervisor, manager, appointing authority or to the Human Resources Section.

As Secretary, I hereby reaffirm my commitment to the principles of equal employment opportunity, affirmative action and nondiscrimination.

**Johnny B. Bradberry
Secretary**

CHAPTER I - EQUAL EMPLOYMENT OPPORTUNITY (EEO) POLICY

2. AUTHORITY AND RESPONSIBILITIES.

a. SHARED RESPONSIBILITIES OF ADMINISTRATORS, MANAGERS, AND SUPERVISORS. Executive, management, and supervisory personnel are charged with the responsibility of being fully aware of the Department's Affirmative Action Plan and EEO policy, implementing these concepts in their departmental activities, and imparting a full understanding of the intent, spirit, and practice of equal employment to all employees in their charge.

b. SECRETARY OF TRANSPORTATION AND DEVELOPMENT. The Secretary, as the chief administrative officer, policy officer, and principal appointing authority of the Department, has the initial and overall responsibility for all programs and activities of the Department, including Equal Employment Opportunity and Affirmative Action. The Secretary shall establish such policies and guidelines as necessary to effectively implement the EEO Program and Affirmative Action Plan, disseminate such policies and guidelines, and convey his/her support of these to all persons under his/her jurisdiction.

3. PUBLICIZING OF THE AFFIRMATIVE ACTION PLAN AND THE EEO POLICY.

a. EEO POSTER. The EEO Poster, consisting of the EEO policy statement and the location, mailing address, and phone number of the Human Resources Section, is displayed on all of the Department's official bulletin boards. One poster is kept on boards on each floor of the DOTD Headquarters Building in Baton Rouge. Additionally, posters are displayed in each district office and in all detached facilities with an office, reception area, or a sheltered reporting or assembly area.

b. SECRETARY'S POLICY AND PROCEDURE MEMORANDA. The EEO policy statement is one of the Secretary's Policy and Procedure Memoranda. These memoranda are maintained on the Human Resources Web site and are updated as necessary. District/Section Heads are notified electronically of all changes and required to disseminate revised policies to all affected personnel under their jurisdiction. Hard copies of these memoranda may be maintained by agency officials.

c. EMPLOYEE ORIENTATION MANUAL. The EEO policy statement is included in the EMPLOYEE ORIENTATION MANUAL. The handbook is distributed to all new employees at the time of hire.

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d. AFFIRMATIVE ACTION PLAN. Each DOTD manager, at or above the level of section head or district administrator, receives a copy of the Affirmative Action Plan. They are advised that additional copies are available for distribution to subordinate managers. In each section or district, at least one copy of the Affirmative Action Plan is to be kept accessible to employees. Additional copies of the Affirmative Action Plan are kept by the Human Resources Section and are distributed upon request or need to employees, managers, and other interested parties. The Plan is also available on the Human Resources Web site.

e. EMPLOYEE EEO MEETINGS. District administrators and section heads conduct periodic meetings with their employees to discuss their support of the DOTD's Affirmative Action Plan.

f. EEO TRAINING. The Human Resources Section offers training on EEO and the Affirmative Action Plan to all managers, as needed and/or upon request.

4. IMPLEMENTATION OF THE AFFIRMATIVE ACTION PLAN. The Secretary of the DOTD charges the Human Resources Director with the overall responsibility for the planning, development, administration, coordination, implementation, monitoring, and evaluation of the Department's EEO/AAP programs.

CHAPTER II

ORGANIZATION, RESOURCES, AND AFFIRMATIVE ACTION PLAN (AAP) RESPONSIBILITIES

1. ORGANIZATIONAL CHARTS.

a. The chart on page 7 shows the organization of the Department of Transportation and Development and the location of the Human Resources Section within it.

b. The chart on page 8 shows the organization of the Human Resources Section.

2. FUNCTION AND RESPONSIBILITIES.

a. **HUMAN RESOURCES SECTION.** The overall development, administration, and monitoring of the Department's EEO/AAP programs, is the function of the Human Resources Section, as delegated by the Secretary of DOTD. Those positions in the Human Resources Section having responsibilities in these Programs are as follows:

(1) **HUMAN RESOURCES DIRECTOR.** This position has principal responsibility for planning, developing, managing, implementing, coordinating, and monitoring all areas of the EEO/AAP programs. In this position, the Human Resources Director will:

(a) Serve as principal assistant and advisor to the Secretary, Deputy Secretary, Undersecretary, Chief Engineer, and Assistant Secretaries in all matters relating to Equal Employment Opportunity and Affirmative Action.

(b) Provide overall policy direction in EEO/AAP matters.

(c) Design and develop programs and procedures which incorporate related requirements into the Department's employment activities, including all related program manuals.

(d) Serve as liaison between the Department and federal and state compliance agencies.

(e) Direct Human Resources Managers in all aspects of the EEO/AAP Program.

(f) Direct the development of policy statements, the EEO/AAP Program, and internal and external communications required to address and/or advertise the program.

CHAPTER II - ORGANIZATION, RESOURCES, AND AFFIRMATIVE ACTION PLAN (AAP) RESPONSIBILITIES

(2) HUMAN RESOURCES MANAGERS Two full-time HR Managers share day-to-day responsibility of the EEO/AAP Program. Additional HR staff, including clerical support, may also assist when program activities and priorities warrant. Responsibilities include but may not be limited to the following tasks:

- (a) Conduct compliance reviews of organization units or problems areas within the DOTD.**
- (b) Publicize and distribute the Affirmative Action Plan throughout the Department, as well as to outside parties.**
- (c) Investigate, process, and recommend actions to employees and managers on complaints of discrimination.**
- (d) Advise managers of their EEO responsibilities.**
- (e) Counsel employees in areas concerning EEO and civil rights.**
- (f) Collect and analyze data on the Department's work force and the relevant, available labor force.**
- (g) Develop goals and action items to be undertaken and prepare the AAP Annual Report to meet state/federal requirements.**
- (h) Monitor agency goals, action items, and work force progress.**
- (i) Advise the Human Resources Director on procedural problems.**
- (j) Design and implement audit and report systems that measure the effectiveness of affirmative action, indicate the need for remedial action, and determine the degree to which goals and objectives have been attained.**
- (k) Recommend training sessions as needed for all supervisory and management personnel and employees in all aspects of the Department's Equal Employment Opportunity Policy and Affirmative Action Program.**

b. CHIEF ENGINEER; ASSISTANT SECRETARIES; SECTION HEADS; DISTRICT ADMINISTRATORS; AND CHAIRMEN OF BOARDS, COMMISSIONS, AND AUTHORITIES. These officials are responsible for the practical implementation of civil rights requirements by organizational units and/or individuals in their charge. In accomplishing this responsibility, they will

CHAPTER II - ORGANIZATION, RESOURCES, AND AFFIRMATIVE ACTION PLAN (AAP) RESPONSIBILITIES

- (1) Strive to achieve and/or maintain appropriate staffing, reflecting the delegation of minorities and women in all employment levels in their departments.**
- (2) Relay to subordinates all pertinent civil rights information or materials received and, where necessary, translate the contents into terms and actions applicable to specific operations and tasks performed by units or individuals under their jurisdiction.**
- (3) Develop and implement procedures, monitoring systems, safeguards, records, and reporting systems as necessary to ensure civil rights compliance in the performance of each operation and task for which their organizational units are responsible.**
- (4) Conduct meetings with their employees to ensure their understanding of EEO requirements and to convey management's strong commitment and support of Affirmative Action.**
- (5) Assure that the Affirmative Action Plan is available to all employees and assure that employees know how to contact the Human Resources Section.**
- (6) Cooperate with and assist the Human Resources Manager responsible for the discrimination complaint process in the investigating, processing, and conciliating of grievances, complaints of discrimination, and internal reviews.**
- (7) Maintain a positive work environment free of workplace harassment and other forms of discrimination.**

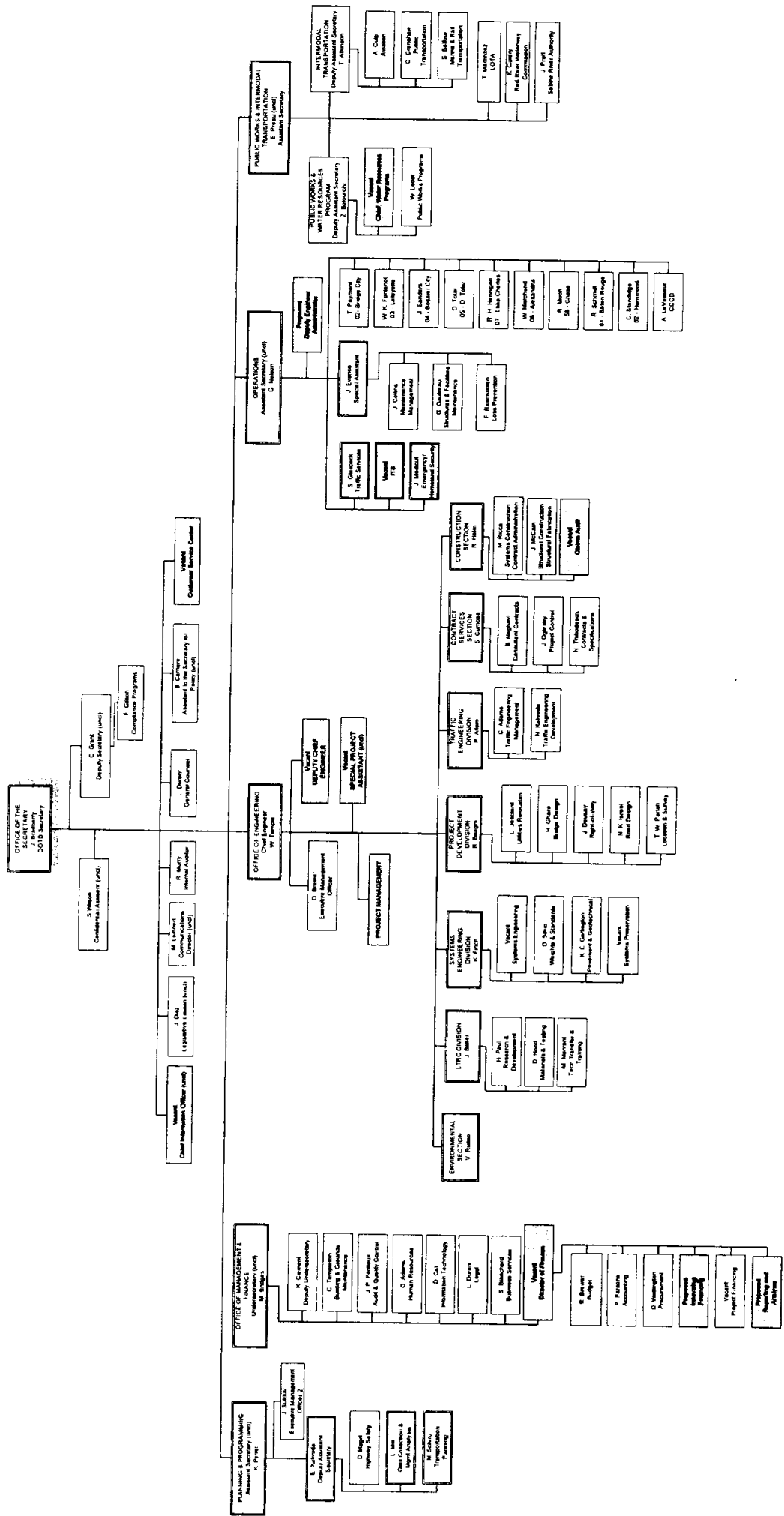
The Human Resources Director will ensure that personnel policies and procedures are in compliance with Equal Employment Opportunity principles; oversee recruitment and placement efforts; and oversee the monitoring of applicant flow and wage administration.

C. BUDGET.

a. The Human Resources Section is fully State funded. Items in the budget are regular salaries, related benefits, travel, operating services, supplies, and unnumbered equipment. Training for staff of the section is included in the operating services item. Civil rights training for other employees and managers of the Department is paid for by departmental resources.

b. The section's budget is prepared by the Human Resources Director and approved by the Secretary of DOTD. The Department's compiled budget is sent to the state legislature for review and passage. The Governor has veto power over the budget bill.

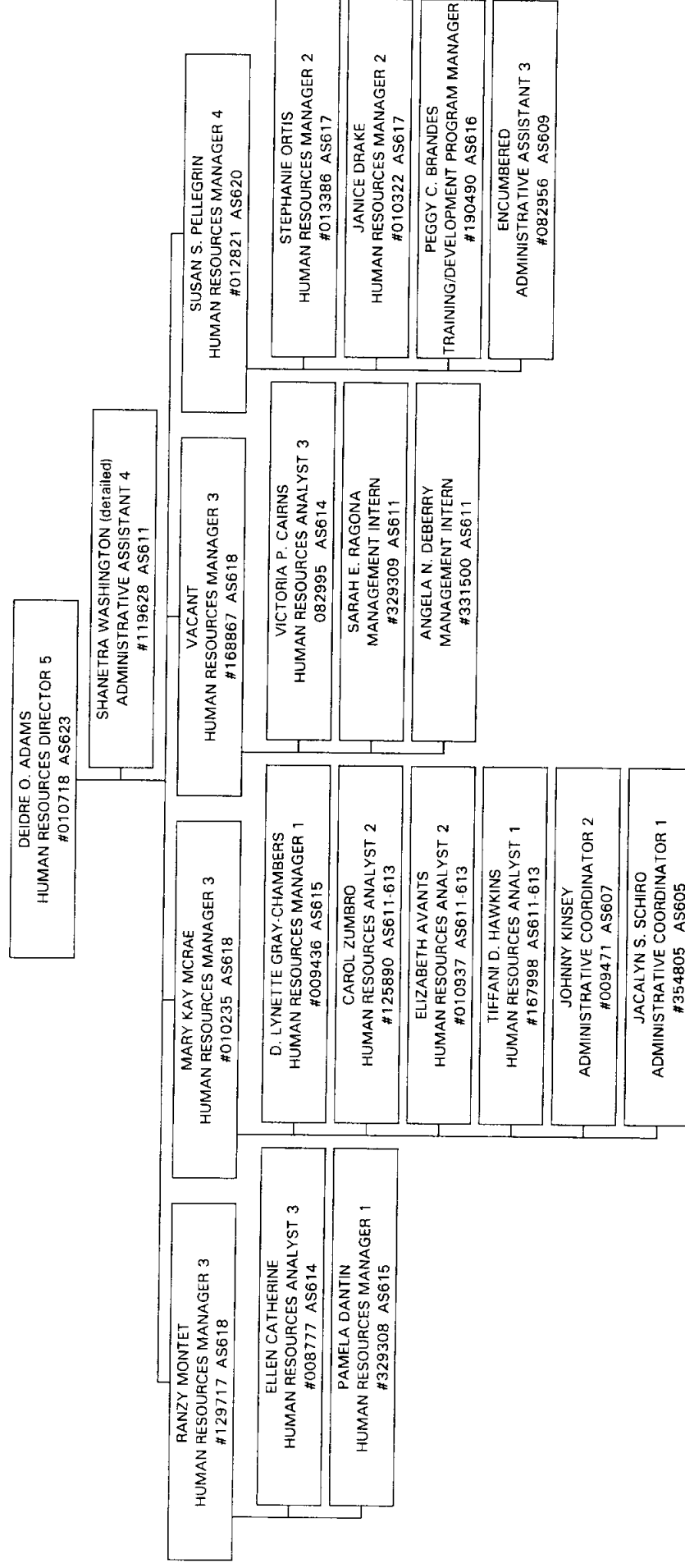
LOUISIANA DEPARTMENT OF TRANSPORTATION & DEVELOPMENT



09/13/05

DEPARTMENT OF TRANSPORTATION & DEVELOPMENT

HUMAN RESOURCES SECTION (16)



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CHAPTER III

AWARENESS OF THE INTERNAL PERSONNEL PRACTICES (IPP) PROGRAM

1. INFORMATION FOR NEW EMPLOYEES. All new employees are provided information on EEO at the time of hire and at an Employee Orientation Program.

a. At the time of hire, new employees are given a copy of the Department's internal grievance procedure. They are also given a LA DOTD Employee Handbook, which provides information on the Department's policies, procedures and benefits, including Civil Service rules, the EEO policy and information on how to contact the Human Resources Section.

b. The Employee Orientation Program provides information and answers questions on all the Department's major personnel-related policies and procedures and on the rights, responsibilities, and benefits of employees. Each district has designated an employee (s) to present the Employee Orientation Program, and a program is held within six weeks following a new employee's start date. All hires in Headquarters and Baton Rouge area sections with the exception of the Traffic Services Section are included in the monthly HQ program provided by the Human Resources Section.

2. EMPLOYEE EEO MEETINGS. District administrators and section heads conduct periodic EEO meetings with all of their employees. These meetings include an expression of management's support for the EEO Program; the location, mailing address, and telephone number of the Human Resources Section; a description of the Department's internal grievance procedure and discrimination (harassment) complaint procedure; and information on how to contact the Louisiana Civil Service Commission and the U.S. Equal Employment Opportunity Commission. Personnel from the Human Resources Section attend these meetings to answer questions and provide additional information as needed. The EEO Policy Statement, Grievance Procedure and Discrimination (Harassment) Complaint Procedure are available on the Human Resources Web site and updated as necessary.

3. INVESTIGATIONS AND REVIEWS. Employees and managers become aware of the existence and activities of the Human Resources Manager responsible for handling discrimination (harassment) complaints through his/her investigations of complaints and on-site reviews of organizational units and problem areas.

4. REPORTS TO MANAGERS. The Human Resources Manager responsible for handling the AAP Program prepares a periodic report for managers on the status of respective goals, if applicable. The report also includes major problem areas, accomplishments, and progress in the DOTD's work force.

CHAPTER III - AWARENESS OF THE INTERNAL PERSONNEL PRACTICES (IPP) PROGRAM

5. BRIEFING OF MANAGERS. The Human Resources Section briefs managers as necessary via meetings, memoranda, e-mails, on new areas of emphasis by federal agencies, relative to new regulations and guidelines.

6. TRAINING SESSIONS. The Human Resources Section conducts or coordinates EEO training sessions for managers as needed. These sessions cover laws, regulations, and court cases in the EEO field.

CHAPTER IV

LOUISIANA CIVIL SERVICE SYSTEM REQUIREMENTS

1. JURISDICTION. The State of Louisiana has a State Civil Service System which governs personnel practices in the Department of Transportation and Development and other state agencies.

a. The governing body is the Civil Service Commission.

b. The Department of Civil Service administers the policies and procedures of the Civil Service Commission and carries out centralized personnel functions.

2. RECRUITMENT.

a. The Department of Civil Service is responsible for a recruiting program that will provide adequate eligible lists of qualified candidates for use by agencies in filling classified positions. Civil Service web-site (www.civilservice.louisiana.gov) is used to announce vacancies. Civil Service uses radio, television, and newspapers in its recruiting program and also maintains a statewide network of contact points, where interested persons may obtain information concerning announced examinations, qualification requirements, and salaries. These contact points are located at each State employment office. A statewide network of examining centers is also maintained, which affords most applicants the opportunity to take examinations within a reasonable distance of their homes.

b. All applicants are subject to the selection and appointment rules and procedures of Civil Service. When applying for a classification or position termed "competitive," the applicant is referred to Civil Service for the required examination, classification, and posting of his/her name to the appropriate eligibility list. Applicants seeking "noncompetitive" jobs or positions are referred to either the DOTD facility most convenient to the applicant, or to the DOTD Human Resources Section.

3. HIRING

a. **NONCOMPETITIVE HIRES.** Civil Service has waived the competitive examination and appointment requirements for certain jobs and allows DOTD to hire non-competitively. The Human Resources Section advises applicants which job classes are considered noncompetitive. The groups for which DOTD may hire noncompetitively fall into the following categories:

(1) Unskilled positions, no experience or training required.

(2) Unskilled positions, minimum of 1-year experience and/or training required.

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(3) Classes where recruiting has not produced sufficient numbers of applicants to fill vacancies.

(4) Classes where testing is impractical or where there has been considerable graduate education in a formal body of knowledge and professional testing prior to legal licensing and practice of a profession.

b. NONCOMPETITIVE REEMPLOYMENT. The following are three situations when former employees of the State may be noncompetitively reemployed.

(1) **REEMPLOYMENT.** Civil Service allows DOTD to noncompetitively reemploy former permanent employees who have been separated from State service for 10 years or less. The Department has authority to reemploy noncompetitively when a vacancy exists, if the position is the same as the one held formerly or is an equivalent or lower level position for which the employee is qualified.

(2) **PREFERRED REEMPLOYMENT.** Civil Service requires the DOTD to keep Preferred Reemployment Lists when it has experienced a layoff in the last two years. When a Department Preferred Reemployment List exists for a position, that position can only be filled from the Preferred Reemployment List or by restricted appointment, internal demotion, job appointment, detail to special duty, or restoration of a former employee upon return from military service.

(3) **RESTORATION OF DUTY ON RETURN FROM MILITARY SERVICE.** Civil Service requires the Department to noncompetitively reemploy permanent or probational employees who left their position for active duty in the U.S. Armed Forces for 6 years or less of voluntary service or an indefinite period of involuntary service and who have honorable discharges. They must apply for reemployment within 90 days of discharge or release from hospitalization which lasted 1 year or less after discharge.

c. COMPETITIVE HIRES. Applicants for a competitive hire can either be appointed from a Civil Service Certificate of Eligibles or by having a Certifiable Score. All those on the list have been competitively examined/rated by Civil Service. The Department may select from available candidates in the top 5 grade groups or from an applicant who has a certifiable score. A grade group consists of one or more available candidates having the same score. More than five applicants may be considered, since more than one applicant may be in a single eligible grade group. If a certifiable score has been set for a register, agencies may hire any applicant who has the score immediately, instead of asking Civil Service for a certificate of eligible applicants, and choosing from the top five grade groups, as they would otherwise have to do. The score, which is established by the Director, represents an average of the hiring range for the particular register. These scores are different in different regions of the state, because more people are available in some regions than in others.

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4. PROMOTION. Civil Service requires that to be promoted, an employee must have permanent status and meet the minimum qualifications of the higher position. Civil Service rules on promotions depend on whether the vacant position is below, at, or above the AS-615, PS -115, TS-311.

a. SALARIES BELOW AS-615, PS -115, TS-311. Civil Service gives DOTD the authority to promote noncompetitively to positions that have a salary range below these levels. Promotions to jobs within the Skilled Trades (WS) Pay Plans are also considered to be noncompetitive. All qualified DOTD applicants for a noncompetitive promotion will be considered and must be interviewed.

b. SALARIES AT OR ABOVE AS-615, PS -115, TS-311. When a promotion is to be made to a class with a salary range at or above these levels, the vacancy is announced by either DOTD or Civil Service on the Civil Service Job Search Web site (www.civilservice.louisiana.gov) and the same procedures as for competitive hiring are used to fill the vacancy.

5. SELECTION PROCEDURES.

a. MINIMUM QUALIFICATION REQUIREMENTS. Civil Service establishes minimum qualification requirements for job classification. The job specification for each class specifies education, licensing, training, skills, or experience needed as a minimum to perform in the job.

b. EXAMS/RATINGS. Civil Service administers a test for most classifications. They use written exams for some classes, rate experience and training for others, and in some instances, use both exams and experience and training ratings. There are also classes for which there is no test other than meeting the minimum qualification requirements. Civil Service or the Human Resources Section should be contacted to ascertain the current testing requirements for a particular position.

(1) WRITTEN EXAMS. Civil Service administers written exams in various locations throughout the State. These exams are constantly reviewed and are updated when necessary. For jobs which fall under the Quality Express Staffing system (QUEST) (Administrative Support, Professional and Protective Service) a written exam is given; however, there is no pass or fail score. The scores are reported as percentile scores. Once an employee has taken and passed the appropriate exam in a testing series, they do not need to retest to be promoted to a non-competitive position in that series.

(2) EXPERIENCE AND TRAINING RATINGS. For some classifications, Civil Service rates candidates on their experience and training, rather than administering a written test. Applicants will either receive a numerical score or an “eligible” rating.

(3) NO TEST. No test is required once the candidate meets the minimum qualification requirements for those positions that are noncompetitive.

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6. JOB VALIDATION. The Department of Civil Service designates the class and appropriate salary range to which a position will be assigned. Civil Service assigns minimum qualification requirements to new classes, based on the duties and responsibilities assigned to the class by DOTD. The determination of knowledge, skills, and abilities necessary for successful job performance with minimum qualification requirements, as well as how these procedures are used to ensure nondiscrimination, is the responsibility of Civil Service.

7. TERMINATIONS.

a. TERMINATION OF APPOINTMENTS. Employees on probational, provisional, job and restricted appointments may be terminated at any time. In some cases, the termination of the appointment will be made because of a definite limit to the length of the appointment, either as required by Civil Service rules or as agreed upon at the time of employment.

b. REMOVAL. An employee may be dismissed from his/her position for disciplinary reasons or removed when, on the effective date of removal, the employee is unable to perform the essential functions of his job due to illness or medical disability and has fewer than eight hours of sick leave to his credit and his job must be performed without further interruption.

(1) DISCIPLINARY ACTION.

(a) Prior to an employee's dismissal for cause, Civil Service requires that the employee be given oral or written notice of the charges against him/her, an explanation of the Department's evidence against him/her, and an opportunity, either in person or in writing, to present his/her side of the story and reasons the proposed action should not be taken.

(b) Once a decision has been made to dismiss an employee, Civil Service requires that the Department furnish permanent employees, in writing, a statement which gives detailed reasons for the dismissal. This statement must include a description of the misconduct; the date, time and place of the misconduct; the names of those involved in or affected by the misconduct; and other information which fully informs the employee of the charge against him/her and enables him/her to prepare a defense. The statement must be furnished to the employee prior to the effective date.

(2) SEPARATION OF SICK OR DISABLED EMPLOYEE. The DOTD may remove an employee who is absent from duty, because of a disability which prevents performance of his/her usual duties and responsibilities and who has fewer than eight hours of sick leave. The DOTD must certify to Civil Service that the interests of the Department require that the duties

of the position be carried on without further interruption. Civil Service requires DOTD to notify the employee in writing of the reasons for the action. A separation of this nature does not disqualify an employee from noncompetitive reemployment.

CHAPTER IV - LOUISIANA CIVIL SERVICE SYSTEM REQUIREMENTS

c. LAYOFF. An employee may be subject to termination through layoff. A layoff may be caused by reduction in the Department's operating budget or a significant change in manpower requirements within the Department's operations.

(1) If the Department is unable to reduce its expenditures through administrative measures, DOTD is required to use clearly defined layoff avoidance procedures prescribed by Civil Service. These avoidance measures are withholding of merit increases, reduction in pay, reduction in work hours, and furlough without pay.

(2) If both administrative measures and the layoff avoidance procedures prescribed by Civil Service fail to reduce the Department's budget to the level sought, the Department is required to proceed with the layoff of personnel, in accordance with criteria prescribed by Civil Service.

(3) All layoff action is subject to approval by Civil Service.

8. AFFIRMATIVE ACTION REQUIREMENTS. The DOTD's Affirmative Action Plan must be submitted annually to the Department of Civil Service, as required by its HR Handbook available on its Web site at www.civilservice.louisiana.gov.

CHAPTER V

PERSONNEL PRACTICES AND PROCEDURES

1. RECRUITMENT. The DOTD has two separate recruiting efforts, a professional program, directed almost entirely at graduating engineering students, and a subprofessional program. Each program focuses upon the recruitment of minorities and females.

a. PROFESSIONAL LEVEL.

(1) A Human Resources Manager in the Human Resources Section coordinates all recruitment for professional positions.

(2) Recruitment is conducted at in-state and out-of-state institutions. A primarily black institution with an engineering program, Southern University, is located in the state, and recruiting trips are scheduled there in the same manner as for other universities.

(3) During the initial interview at their university, students are encouraged to apply directly to the Department for entry-level engineering classifications and to take the Engineer Intern Examination which is required for certification as a engineer-in-training and is a minimum qualification requirement for the State's entry-level engineering classification.

(4) Recruitment literature on the State Civil Service System, DOTD, and DOTD's engineering program is provided to interviewees. Included in the literature is the following statement:

AN EQUAL OPPORTUNITY EMPLOYER

It is the policy of the Department of Transportation and Development to ensure that applicants are considered and, if subsequently employed, are treated during employment fairly, impartially, and without regard to their race, sex, religion, color, national origin, disability, or any characteristic of factor not directly related to the individual's ability or potential for satisfactory job performance.

The Louisiana Department of Transportation and Development does not discriminate in admission or access to its programs or activities or in its treatment or employment of personnel.

(5) Students are given contacts in specific DOTD sections or districts, where activities match their areas of interest. Section heads and district administrators are given the names and contacts of those students whose areas of interest are compatible with their organization's function. Occasionally, groups of prospective engineers are taken to sites of major or unusual DOTD engineering projects.

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(6) Engineering students are interviewed for employment and consideration into the Engineering Resource Development Program (ERDP). This program is designed to familiarize entry-level engineers with the department's organization, goals, policies, procedures and personnel.

b. SUBPROFESSIONAL LEVEL.

(1) The Human Resources Manager coordinates all recruitment for subprofessional positions.

(2) As vacancies develop or are anticipated, the manager may place advertisements in newspapers, trade journal magazines, on the internet, via e-mail/fax, and/or contacts Louisiana Job Centers, vocational/technical - trade schools, business schools, and other organizations (including those directed towards or dominated by minorities or females.)

(3) The manager accepts applications at the recruitment site, in the mail, via e-mail or from walk-ins. Those applications for classifications requiring Civil Service testing or rating are sent there for processing and test scheduling. For all classifications, the manager sends copies of applications to those section heads and district administrators whose organizations currently have or anticipate vacancies in those classifications.

(4) As deemed appropriate, the manager may maintain contact with applicants on their progress in obtaining a Civil Service job. (The names of applicants processed through Civil Service may be placed on certificates and are sent to any agency with a vacancy, not just DOTD.)

2. HIRING.

a. HIRING AUTHORITY. The Secretary of DOTD has delegated hiring authority to each section head and district administrator.

b. PHYSICAL EXAMS. Following an offer of employment, DOTD requires each prospective employee to pass a physical exam and drug screen. Related fees are paid by the Department. The physical exam is required before the new employee may report for work. Employment is rescinded when positive drug test results are confirmed or when the physical exam shows the employee to have a condition which, even with reasonable accommodation, would not allow the person to safely and efficiently perform the essential functions of the job.

c. AFFIRMATIVE ACTION GOALS. Goals are assigned to Offices when the department can realistically expect to achieve such, based on turnover in an organization and by availability of qualified personnel both within and outside the Department. Goals may be achieved either through hiring or promotion.

CHAPTER V - PERSONNEL PRACTICES AND PROCEDURES

d. ADVERSE IMPACT. Personnel in the Human Resources Section calculate the ratio of new hires/promotions to applicants semiannually. The "Four-Fifths Rule" is used to analyze this data for adverse impact on any race-sex group. Data is analyzed for each of the job categories used by the Department. Whenever adverse impact is found in department-wide job category data, the data for each of the Department's major Offices is analyzed for adverse impact in that job category. Once the major organization with adverse impact has been identified, each section or district within that organization is analyzed to determine whether a specific problem exists.

3. PROMOTIONS

a. SECRETARY'S POLICY AND PROCEDURE MEMORANDUM. Promotions are handled in accordance with Civil Service rules and the Department's promotion policy contained in a Secretary's Policy and Procedure Memorandum, which reads in part:

"It is the Department's policy to fill job vacancies, whenever practicable, with the best-qualified employees on the basis of ability and merit. The Department encourages career employment and recognizes an employee's continued service as a benefit, which entitles him/her to certain privileges and considerations. To this end, all Department job vacancies regardless of pay level are posted on the Civil Service (CS) Job Search Web site at www.civilservice.louisiana.gov, all employees are encouraged to apply for all jobs for which they are qualified, and preference will be given to employees over outside applicants when qualifications are comparable. All eligible employees will be interviewed and considered for promotional opportunities. All vacancies will, therefore, be filled on the basis of ability and merit, and without regard to race, sex, religion, color, age, disability, or national origin."

b. AFFIRMATIVE ACTION GOALS. Managers assigned Affirmative Action Goals have the option of achieving them either through hiring or promotion. Goals are assigned when the department can realistically expect to achieve such, based on turnover and availability of qualified personnel both within and outside the Department. The Human Resources Section has tried to avoid or mitigate adverse impact in promotions by factoring into Affirmative Action goals for those employees available for promotion. This factoring is only general, however, and does not take into account of whether personnel have completed required training courses, have satisfactory performance ratings, have the years of experience necessary to meet the minimum qualification requirements of the class, or meet any selective certification requirements for a vacancy. The only factor used in calculating those available for promotion is the number of employees of each race-sex group in classifications from which employees are promoted to the class in question.

CHAPTER V - PERSONNEL PRACTICES AND PROCEDURES

4. EMPLOYEE DEVELOPMENT.

a. TRAINING. The Department has an extensive training program for the purpose of training its employees in their work and in the policies and procedures of the Department.

(1) FORMAT. Various formats, depending on the course content and the training population, are used to present material. Lectures, PowerPoint presentations, videos, self-study texts, and "hands-on" training are used singly or in combination to present materials.

(2) TRAINING. Training is handled in accordance with Civil Service rules and the Department's Workforce Development Policy contained in a Secretary's Policy and Procedure Memorandum which reads in part:

EMPLOYEE'S RESPONSIBILITIES. It is the responsibility of all employees to participate in workforce development and to be knowledgeable of the training requirements for their career field and organizational unit. It is the employee's responsibility to approach training with a systematic effort that allows for career advancement. In doing so, the employee will be prepared for promotional opportunities well in advance and not be restricted from promotions due to an inaccessibility of training.

Training, while a necessary component of career advancement, is only one consideration in employee promotion or progression in a training series. An employee's request for training should be directly related to his/her career field and organizational unit. Training must be approved by the employee's supervisor who is responsible for guiding the employee's training activities. Employees should be aware that training must be scheduled around work operations. Employees should also be aware that it is a supervisor's discretion to disapprove any inappropriate or unnecessary training requests not included in an employee's training program.

SUPERVISOR'S RESPONSIBILITIES. Supervisors should promote an environment of continual learning and, whenever possible, allow time for employee training and course preparation. Supervisors must always realize that the training should be scheduled around work activities. Supervisors should guide an employee's training, approve requests for appropriate training, and disapprove requests for inappropriate training.

The supervisor may assign training requirements in addition to the minimum structured training requirements to ensure that the training or certification/authorization needs of the work unit are met and the employee is adequately trained in preparation for job assignments. It is the responsibility of the supervisor to monitor the training of personnel to ensure that these needs are fulfilled.

CHAPTER V - PERSONNEL PRACTICES AND PROCEDURES

It is the responsibility of the appointing authority to ensure that employees within the organizational unit are trained and/or certified to meet the unit's identified needs, in keeping with the policy and procedures established for that division/office.

(3) STRUCTURED TRAINING PROGRAMS. The DOTD has several structured in-house training programs for its professional and subprofessional employees. At each level, employees must successfully complete required courses in accordance with the appropriate Structured Training Program. A Secretary's Policy and Procedural Memorandum publishes the requirements for each program in terms of personnel advancement, merit increases, and performance ratings. The current training requirements will be listed in the Education and Training Computer System (ETRN). Employees may obtain up-to-date print outs of their Structured Training Program (STP) by accessing the computer-based program or by requesting a copy of their STP from the personnel responsible for entering the data in the ETRN for their work unit. As new training, revisions and modifications occur, affected employees will be notified by memorandum or through updates to the ETRN. The following structured programs are appended in the Workforce Development PPM: DOTD Leadership Institute, DOTD Engineering Technician Structured Training Program, DOTD Structured Training Program for Maintenance Personnel, DOTD Loss Prevention Training Program, DOTD Human Resources Training Program, DOTD Policy for Supervisory Training for Selected Job Classifications, DOTD Basic Skills Training Program, and Other Structured Training Programs.

(4) COURSE DEVELOPMENT. Some of the Department's training courses are contracted for or purchased from other sources. The remaining courses are developed in-house by the Technology Transfer and Training and/or Human Resources Sections. These sections have responsibility for course development and coordination of the training function for the Department. A committee of Department personnel may be assigned to review each course. Committee members are chosen for their familiarity and experience with departmental procedures, contract language, legislative acts, the course material, abilities and current expected knowledge of the training population, and requirements of the job for which the course will train. All training materials are approved by the appropriate department administrator.

(5) COURSE ADMINISTRATION. Training for engineers is provided through external technical experts, universities, professional associations, and the National Highway Institute. Personal computer training is provided to department employees through a contract with an external provider. Computer-aided drafting and design and other training are also provided through external resources, contracted for and coordinated by LTRC for DOTD employees statewide. The remaining courses are administered and conducted by other Department personnel with specialized expertise. In the districts, the bulk of course administration is carried out by designated engineering technicians assigned to the training function. They present audiovisual materials and other training material, assist those having

trouble with self-study texts, provide on-the-job training, administer tests, and handle record-keeping and correspondence on training.

(6) **TESTING.** Tests are administered either by contracted training professionals, district training technicians or by the staff of the Technology Transfer and Training Section. Tests which are part of correspondence courses are forwarded to the correspondence school for grading.

(7) **RECORDS AND REPORTING.** A Department-wide computer system is used for the purpose of maintaining training records and reporting training in which employees participate. It is the Education and Training System (ETRN) and is available on the Department's mainframe computer, with terminals located in all of the districts and sections, for entering and accessing training records and printing reports.

b. UPWARD MOBILITY. Managers assist in the upward mobility of their employees by:

- (1) Discussing career goals with their employees.
- (2) Counseling employees on their career goals.
- (3) Informing employees when training courses applicable to their needs are offered.

5. JOB VALIDATION. Job validation is the responsibility of the Department of Civil Service.

6. TERMINATIONS. An employee's term of employment may be terminated for either voluntary or involuntary reasons or because of the terms, conditions, and time limits prescribed for the particular type of appointment under which employed.

a. VOLUNTARY TERMINATIONS. Voluntary terminations (resignation, normal retirement, disability retirement, etc.) are not generally matters of concern to the Department's EEO/AAP, except that an employee who resigns is asked (but not required) to give his/her primary reason(s) for resigning and where possible, an exit interview is conducted. A person's reason for resigning may provide an indication of some situation or condition within the Department which may have a detrimental effect on the remaining employees. In addition, an employee whose primary purpose for resigning was to escape possible disciplinary action or dismissal forfeits reemployment eligibility. Should the employee later charge discrimination in regard to being denied reemployment, the reason for his/her earlier resignation, though voluntary, would become a matter of EEO concern.

b. INVOLUNTARY TERMINATIONS. An employee may be involuntarily terminated by dismissal or layoff.

(1) Dismissal is a disciplinary action resulting from the employee's violation of some prescribed rule or regulation of Civil Service or the agency, or from the employee's failure to

meet performance standards. Prior to the finalization of a decision to dismiss a permanent employee, the Department requires that its managers adhere to the following procedure:

(a) Statements, either oral or preferably in writing, should be obtained from the witnesses to the offense.

(b) The employee should be provided, either orally or in writing, with notice of the charges and the evidence against him/her.

(c) The employee should be provided with an opportunity, either in writing or orally, to present his/her side of the story and reasons why the proposed action should not be taken.

(2) Layoff is not a disciplinary action nor is it prejudicial to the employee in any manner. Procedures for both dismissal and layoff are described clearly in Civil Service rules and the Department's personnel regulations and must be followed precisely in order for the termination to be valid.

c. **TERMINATION OF APPOINTMENTS.** Probational, provisional, job, and restricted appointments are by definition temporary or interim appointments. An employee employed under such an appointment may be terminated on or before the expiration date of the appointment, unless the appointment is renewed or the employee is eligible for and is granted a permanent appointment.

d. **ADVERSE IMPACT.** Personnel in the Human Resources Section calculate the adverse impact of terminations on minorities and females semiannually.

CHAPTER VI

AFFIRMATIVE ACTION PROGRAM (AAP) MONITORING AND EVALUATION PROCEDURES

1. INFORMATION AND FEEDBACK SYSTEM.

a. AAP ANNUAL REPORT. The AAP Annual Report is prepared by the Human Resources Section and is available in the Human Resources Office for both managers and employees to read. The report includes the following:

(1) ACCOMPLISHMENTS OF THE PREVIOUS YEAR.

(a) Goals achieved.

(b) Final status of action items.

(c) A discussion of where underutilization was reduced.

(d) Other significant breakthroughs.

(2) ASSESSMENT OF PRESENT POSTURE AND PROBLEM AREAS.

(a) A current EEO-4 Report.

(b) Results of application of the "Four-Fifths Rule" and areas where adverse impact has been identified.

(c) An analysis of the DOTD work force, comparing it to the civilian labor force and showing areas of underrepresentation.

(d) Problems identified through reviews, inquiries, grievances, complaints, appeals, questions raised by managers or employees, and questions raised by proposed or existing DOTD policies or procedures, Civil Service rulings or circulars, or federal laws or regulations.

(3) WORK PLAN FOR THE COMING YEAR.

(a) Percentage goals expressed as net increases over current numbers of employees. Goals will be computed as needed.

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(b) Action items, including target dates and the officials responsible for their accomplishment.

b. REPORTS. The Human Resources Section periodically prepares and disseminates reports to managers assessing the status of percentage goals, as well as an annual report - received monthly from the Automated Personnel and Payroll System, which include the following:

(1) COMPARISONS AND ANALYSES. Various comparisons and analyses are done, and the most significant accomplishments or trends shown by these are included in each yearly report. Some of the areas studied are, as follows:

(a) The report based on adverse impact is assessed using the "Four-Fifths Rule" on 12 months of data. New action items are established and old action items are modified or deleted based on this assessment.

(b) Net numerical increases or decreases in the work force, since the beginning of the reporting year are computed for each race-sex and job group.

(c) The total number and percentages of minorities and females by job group in the DOTD work force is charted for the most recent 2 years and is compared to the total work force (DOTD and civilian) in each period.

(d) Since new hires could only be estimated during goal development, actual new hires are checked to see if hiring is equivalent to what was estimated. Hires are also checked to determine if an organization actually had the opportunity to hire. New hires of the most recent year are also compared to those of previous years.

(e) The DOTD work force is analyzed by EEO-4 categories and job groups to determine whether the overall composition of the work force is changing. This data is compared to that for previous goal periods.

(2) CONCLUSIONS. Based on major accomplishments and trends, conclusions are drawn and included in the report.

c. ACTIVE PERSONNEL ON BOARD. The Department's Automated Personnel and Payroll System is used for information needed for EEO purposes.

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(1) This file has a record for each employee currently working for the Department, not just those who have had personnel actions. The payroll file is not a history file and does not have records for employees no longer working for the Department nor can it furnish data on personnel actions dependent on dates. However, the file does identify the race-sex group and EEO-4 category of each current employee.

(2) This file is used to process any computer reports for which all active personnel on board are needed.

(a) Active personnel reports are used when underrepresentation is determined in the goal development process.

(b) Active personnel reports are also used for the monthly reports to chart the net increases or decreases in the work force and the total numbers for comparison to the beginning of the fiscal year and to other years.

(3) Monthly computer reports are run from this system to report goal progress, new hires, and various other data on personnel actions, which are needed to prepare monthly reports or the AAP Annual Report.

d. **APPLICANT RECORDS.** These records are computerized using the Transportation Job Applicant Reporting System (T-JAR). Each section and district enters an applicant report on all applications for new hires, posted vacant positions, and certificates of eligible lists from Civil Service. The Human Resources Section uses the data on this system to prepare the annual applicant flow summary and to calculate adverse impact. These calculations are also computed for sections and districts having significant hiring.

e. **TRAINING RECORDS.** Each section and district has assigned personnel to input training record data into DOTD'S automated system.

2. PROBLEM IDENTIFICATION AND RESOLUTION.

a. GOAL DEVELOPMENT.

(1) **JOB GROUP ANALYSIS.** The job classifications used by the DOTD are analyzed by their minimum qualification requirements, opportunities for advancement, duties and responsibilities, and wage/salary level.

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(2) AVAILABILITY. The Human Resources Section uses the Two-Factor Analysis procedure to determine availability for each race-sex group, job group, and section/district combination.

(3) UNDERREPRESENTATION. Underrepresentation is calculated for each race-sex group, job group, and section/district combination by comparing availability to the Department's work force.

(4) ANNUAL GOALS. Annual goals are determined by comparing availability for each race-sex group, job group, and section/district combination to anticipated vacancies for the coming year.

b. ADVERSE IMPACT CALCULATIONS. The "Four-Fifths Rule" is used annually to determine if the Department has any adverse impact in hiring, promoting, or terminating. The specific organizations showing adverse impact are identified. Action items are formulated from this information.

(1) FORMULATION OF ACTION ITEMS. Some action items are expressed as in-depth reviews of one or more organizational units; others are a sampling of several or many organizations on a particular procedure. The Human Resources Section chooses the form of action items after reviewing the following:

- (a) The number of organizations showing adverse impact.**
- (b) The relationships of those organizations showing adverse impact to other organizations showing adverse impact.**
- (c) The type of work force of those organizations showing adverse impact.**

(2) SELECTION AND PRIORITIZATION OF ACTION ITEMS. The Human Resources Section selects specific organizational units and prioritizes action items based on the following:

- (a) The severity of the adverse impact.**
- (b) The opportunity for the organization to have done something about the adverse impact, such as many hiring opportunities.**

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(c) The pattern of the adverse impact, such as whether it affected all under-represented groups or only one.

(3) **TARGET DATES FOR ACTION ITEMS.** In setting target dates for the completion of action items, the Human Resources Section considers its work load, the number of action items selected, and the type of action items selected. Some action items will be completed within 6 months, others within a year.

(4) **MANAGEMENT REVIEW OF ACTION ITEMS.** The Human Resources Section establishes and disseminates action items once a year.

c. IN-DEPTH REVIEWS.

(1) **SELECTION FOR REVIEWS.** The Human Resources Section conducts in-depth reviews of selected organizations in which adverse impact has been identified and attempts to find its source and effect a solution. In-depth reviews may also be conducted for reasons other than the presence impact within an organization. Other reasons why an organization might be selected for in-depth review are as follows:

(a) The organization's work force shows under-representation of one or more race-sex groups.

(b) A disproportionate number of inquiries, grievances, appeals, and complaints were received from employees in the organization.

(c) The organization shows poor goal progress, when opportunities were available to hire or promote.

(d) The organization has poor documentation of actions taken or exhibits an apparent lack of awareness, interest, or effort regarding civil rights responsibilities.

(e) The manager of the organization requests a review.

(f) The organization has not been reviewed for some time.

(2) **PRIORITIZATION OF REVIEWS.** In-depth reviews are prioritized on the basis of the severity and urgency of the problem.

d. OTHER ACTION ITEMS.

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(1) SOURCES OF OTHER ACTION ITEMS. The Human Resources Section formulates action items based on problems recognized from these and other sources:

(a) Questions raised and problems noted while providing advice to managers or employees or while observing internal grievances, Civil Service appeals, or EEOC complaints.

(b) Actions required by Civil Service rulings or circulars or Federal laws or regulations, when these and DOTD proposed or existing policies and procedures conflict.

(c) Questions raised at employees= EEO meetings.

(d) Problems discovered while interviewing employees on site.

e. PRIORITIZATION.

(1) GOAL PRIORITIES. Once an organization has been assigned goals, the manager of that organization has the responsibility for integrating goal-oriented Affirmative Actions into his/her other duties. As long as goals are achieved within the fiscal year, the manager may achieve the goals in any order he/she chooses. Monitoring of goal progress is a top priority of the Human Resources Section.

(2) ACTION ITEM PRIORITIES. The priority of any action item may be dependent on the following:

(a) The severity and urgency of the item.

(b) Personnel and budgetary constraints within the Human Resources Section, such as travel expenses allotted to the section or its work load.

(c) Personnel or budgetary constraints in other sections, such as the amount of time and resources required of the Information Technology for computerization of EEO records.

f. COMMUNICATION WITH MANAGEMENT ON PROBLEM RESOLUTION.

(1) The Secretary of DOTD gives final approval of the annual goals and proposed action items.

(2) The Human Resources Section advises managers when their policies or procedures conflict with civil rights laws or regulations and may lead to further problems. Major problems are brought to the attention of top management. The DOTD Human Resources

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Director asks for the assistance of the Secretary of DOTD when problems involve departmental policies or procedures. The Human Resources Section recommends changes in policies and procedures or suggests a review of them.

(3) Managers contact the Human Resources Section for assistance on their civil rights responsibilities and liabilities and on proper handling of civil rights problems. The Human Resources Section interprets relevant laws and regulations for them and assists them in analyzing how these apply to their situation.

CHAPTER VII

DISCRIMINATION AND OTHER COMPLAINT PROCEDURES

1. ROLE OF THE HUMAN RESOURCES SECTION IN COMPLAINT PROCEDURES.

The role is that of impartial advisor to all parties, not as agents for a complainant or for the Department. In the case of a discrimination complaint, the Human Resources Section receives the complaint, conducts an investigation of the allegations, and notifies the employee and department manager of the findings. If discrimination is found, the department manager is required to determine a solution and take action as deemed appropriate in this case.

2. INQUIRIES.

a. RECEIVING INQUIRIES. The Human Resources Section becomes informed of informal complaints when:

(1) The complaining employee or applicant writes, telephones, or comes into the Human Resources Section to ask for advice or assistance.

(2) The complainant's manager or supervisor calls or comes into the Human Resources Section for advice.

b. PROCESSING INQUIRIES.

(1) Personnel in the Human Resources Section will listen to or read each informal inquiry.

(2) The Human Resources Manager may do some preliminary research to determine if the situation would fall in the jurisdiction of the Human Resources Section.

(3) The Human Resources Manager will determine whether discrimination could be a factor in the problem.

(4) Regardless of this determination, the Human Resources Manager advises the inquirer of any options he/she may have in the situation, including both informal methods and those formal procedures which would apply to that kind of problem. The inquirer is advised of the relevant time limits for filing a grievance, a discrimination (harassment) complaint, EEOC charge or Civil Service appeal, and given the forms, addresses, or telephone numbers needed. If necessary, the inquirer may be given a copy of the internal grievance procedure, discrimination (harassment) complaint procedure, or an outline of what information is needed to file a Civil Service or EEOC charge.

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(5) The Human Resources Manager will obtain the approval of the inquirer before documenting the inquiry. If the inquirer agrees, he/she may also choose to have his/her identity withheld from all documentation.

c. RESOLVING INQUIRIES. There may be several approaches to resolving the problem:

(1) The Human Resources Manager may counsel the inquirer on how to informally discuss the problem with his/her manager, how to handle a problem coworker, or how a change in his/her own behavior might help to improve the situation.

(2) With the approval of the inquirer, the Human Resources Manager may contact the inquirer's manager to ascertain the manager's view of the situation and discuss ways to alleviate any problem. The Human Resources Manager will advise the manager when actions taken appear to be discriminatory or how the situation could progress to become discriminatory. Those laws and regulations which apply to the situation would also be discussed.

(3) For situations where a preliminary determination is made that discrimination could be a factor and where the inquirer reports that the opposing side has a contradictory story of what was done or said, the Human Resources Manager may choose to investigate as provided in the discrimination (harassment) complaint procedure. If an investigation is conducted, those employees who may have observed any incidents or who work closely enough to the parties to know the general working conditions of the organization unit will be interviewed. The Human Resources Manager makes both verbal and written findings and recommendations to the inquirer and the organization manager.

3. INTERNAL GRIEVANCE PROCEDURE. The DOTD has an internal grievance procedure for formally resolving problems within the Department. The internal grievance procedure is detailed in Secretary's Policy and Procedure Memorandum No. 34. The role of the Human Resources Section in this process is that of an "impartial advisor" to all parties. The procedure does not, however, cover discrimination, since this issue is covered by the DOTD discrimination (harassment) complaint procedure, EEOC, and the Civil Service appeal process.

4. DISCRIMINATION COMPLAINT PROCEDURES. The DOTD has an internal discrimination (harassment) complaint procedure, which is outlined in Secretary's Policy and Procedure Memorandum No. 13. Any employee who alleges that he/she has been discriminated against or subject to any disciplinary action because of his/her race, sex, religion, color, national origin, age, handicap, or any other factor not directly related to ability or job performance may file a complaint. The Human Resources Office is responsible for investigating or directing the investigation of all discrimination (harassment) complaints and should be notified when complaints are received by DOTD's sections/districts.

CHAPTER VII - DISCRIMINATION AND OTHER COMPLAINT PROCEDURES

5. CIVIL SERVICE APPEALS. An employee may appeal certain actions to the Louisiana Civil Service Commission.

a. BASIS FOR APPEAL.

(1) The Civil Service Rules state that "any person in the Classified Service who alleges that he has been discriminated against or subject to any disciplinary action because of his political or religious beliefs, sex, or race" may file an appeal.

(2) An appeal can also be made by "any person who alleges that he has been the subject of discrimination," as defined in Rule 1.14. Rule 1.14 reads, "Discrimination means consideration of religious or political beliefs, sex, race, handicap, or any other non-merit factors."

b. TIME LIMITS. The Civil Service rules state that an appeal must be received by Civil Service, as follows:

(1) "Within 30 calendar days after the date on which appellant received written notice of the action on which the appeal is based when written notice before or after the action is required by these rules; or

(2) "Within 30 calendar days after the date when appellant learned or was aware that the action complained of had occurred when no written notice is required by these rules or, if required, was given tardily or not at all."

c. RECEIVING APPEALS. The Department becomes informed of appeals when Civil Service sends the Department a copy of an appeal.

d. PROCESSING APPEALS. The Civil Service Commission sends hearing schedules and all paperwork on an appeal to Human Resources, which distributes copies to affected parties and maintains files on such.

e. RESOLVING APPEALS.

(1) Either a DOTD or contracted attorney represents the Department and its management in a Civil Service appeal.

(2) A representative of the Human Resources Section may attend a Civil Service hearing when discrimination has been alleged, but he/she has no official part in hearings, unless subpoenaed as a witness.

CHAPTER VII - DISCRIMINATION AND OTHER COMPLAINT PROCEDURES

(3) The Human Resources Section does attempt, whenever possible, to resolve appeals alleging discrimination using informal methods.

6. EEOC CHARGES.

a. BASIS FOR CHARGES. An employee alleging discrimination on the basis of race, color, religion, sex, national origin, pregnancy, age, disability, or sexual harassment may file a formal complaint with the U.S. Equal Employment Opportunity Commission (EEOC).

b. TIME LIMITS. The U.S. EEOC rules state that there is a 300-day time limit for filing a complaint.

c. RECEIVING CHARGES. The Department becomes informed of EEOC charges, when the EEOC sends DOTD the initial paperwork on a charge.

d. PROCESSING CHARGES. The EEOC sometimes sends their paperwork on charges to the Human Resources Section, sometimes to the Department's Legal Section, and sometimes to the charging party's section head or district administrator. Whichever office receives the charge is responsible for copying it for the other two offices. Further paperwork from EEOC or responses to them are distributed in the same way. The Human Resources Section is responsible for responding to all EEOC charges and should be notified when charges are received by DOTD's sections/districts.

e. RESOLVING CHARGES.

(1) The charging party's section head or district administrator and the assigned attorney attend all EEOC conferences. They decide the Department's position on a charge, whether mediation is an option and on any proposed settlement agreement.

(2) Representatives from the Human Resources Section attend selected conferences.

(3) Civil Service's EEO Office has an agreement with EEOC which allows Civil Service and DOTD a brief period in which to investigate and attempt to informally resolve any complaint filed with the EEOC.

(4) The Human Resources Section also attempts, when possible, informal resolution of charges.

CHAPTER VII - DISCRIMINATION AND OTHER COMPLAINT PROCEDURES

7. COMPLAINT FILES.

a. The Human Resources Section maintains a file on each person who has filed a written complaint. For each person who seeks advice or assistance from the Human Resources Section, the Human Resources Manager records the employee's immediate supervisor and section head or district administrator, the employee's description of the incident or situation, the action requested by the employee, and the action taken and recommendations given to the employee by the Human Resources Section.

b. All files on complaints and inquiries are kept in a locked file. All notes of Human Resources personnel on inquiries, investigations, and conferences are kept confidential. The legislative auditor is the only one outside of the Human Resources Section who has free access to the files.

8. PUBLICIZING OF COMPLAINT PROCEDURES.

a. EEO POSTER.

(1) The Department's EEO Poster states, in part, "Employees or applicants for employment who feel they may have been discriminated against or who want more information should contact the Human Resources Office..." This is followed by the address and telephone number of the Human Resources Section.

(2) An EEO Poster is displayed on bulletin boards on each floor of the Headquarters Building in Baton Rouge. Additionally, posters are displayed in each district office and in all detached facilities with an office, reception area, or sheltered reporting or assembly area.

b. SECRETARY'S POLICY AND PROCEDURE MEMORANDA. These memoranda are maintained on the Human Resources Web site and are updated as necessary. District/Section Heads are notified electronically of all changes and required to disseminate revised policies to all affected personnel under their jurisdiction. Hard copies of these memoranda may be maintained by agency officials.

d. EMPLOYEE EEO MEETINGS

(1) District administrators and section heads hold periodic meetings on EEO with all of their employees.

(2) Information given at these meetings includes the location, mailing address, and telephone number of the Human Resources Section; a description of the Department's internal grievance procedure; discrimination (harassment) complaint procedure; and information on how to contact the Louisiana Civil Service Commission and the U.S. EEOC.

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e. EMPLOYEE ORIENTATION MANUAL

(1) The internal grievance procedure is detailed in the Employee Orientation Manual. The manual also notes that discrimination should be appealed to the Civil Service Commission rather than through the internal grievance procedure and notes that complaints can also be filed with the EEOC in New Orleans and through the Department's discrimination complaint process. The guide also refers employees to the Department's EEO Program Manual, the Secretary's Policy and Procedure Memoranda on the grievance and discrimination complaint procedures, and the Human Resources Section.

(2) The Employee Orientation Manual is distributed to all new employees at the time of hire.

f. EMPLOYEE ORIENTATION PROGRAM.

(1) Shortly after hire, each new employee attends an Employee Orientation Program Session.

(2) The Department's personnel policies and procedures, including the grievance and discrimination (harassment) complaint procedures, are explained during the Employee Orientation Program Session.

g. AFFIRMATIVE ACTION.

(1) The Affirmative Action Plan is distributed to each Department manager at or above the level of section head or district administrator. They are advised that additional copies are available for distribution to subordinate managers. In each section or district, at least one copy of the Affirmative Action Plan is to be kept accessible for employees.

(2) Additional copies of the Affirmative Action Plan are kept in the Human Resources Section and are distributed upon request or need to employees, managers, and other interested parties. In addition, the Affirmative Action Plan is available on the Department's Web site (www.dotd.louisiana.gov).

9. PROHIBITION OF RETALIATION OF REPRISALS.

a. EMPLOYEE ORIENTATION MANUAL The Employee Orientation Manual states, in describing the internal grievance procedure, "If the time should come when you disagree with a supervisor on the application of Department policy as it concerns you, or otherwise feel you have been treated unfairly, there is a grievance procedure you can employ free from any coercion, discrimination, or reprisal."

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b. INTERNAL GRIEVANCE PROCEDURE. The internal grievance procedure states, in part, "...the employee has the right to use the following grievance procedure in seeking an understanding consideration of the grievance without fear of coercion or reprisal..."

c. DISCRIMINATION COMPLAINT PROCEDURE. The discrimination complaint procedure states, "Retaliation of any kind directed against an individual because that person reported such harassment or participated in an investigation is absolutely prohibited."

CHAPTER VIII

COMPLIANCE WITH CIVIL SERVICE GUIDELINES

This portion of the Affirmative Action Plan addresses requirements specified by the Civil Service guidelines on Affirmative Action.

1. NONDISCRIMINATION ON THE BASIS OF GENDER. No person shall, on the basis of gender, be discriminated against in any employment practice.

a. Males and females will be recruited for all positions, except where gender is a bona fide occupational qualification.

(1) Advertising in newspapers and other media for employment will not express a sex preference, except where gender is bona fide occupational qualification.

(2) The DOTD will take Affirmative Action to recruit and encourage women to apply for those jobs where they have been previously underutilized.

b. Written personnel policies do not discriminate against employees by gender. Employees of both sexes have an equal opportunity to any available job that he/she is qualified to perform, unless gender is a bona fide occupational qualification.

c. No distinction is made by gender in employment opportunities, wages, hours, or other conditions of employment.

d. No distinction is made between married and unmarried persons of one sex that is not made between married and unmarried persons of the opposite sex. Employment is not denied to women with young children.

e. The Department's maternity leave policy is contained in Secretary's Policy and Procedure Memorandum No. 16 which reads, in part:

(1) "In maternity cases, the employee will be allowed up to 12 weeks of family leave for childbirth and childcare; if complications occur, the employee will be allowed to take 16 weeks of leave, in accordance with State law. Family leave-sick leave will be granted until the employee is released by her physician, which for a normal pregnancy is 6 weeks from the date of delivery. Family leave-compensatory (hour-for-hour) leave or family leave-annual leave will be granted after the physician's release to provide the 12-week family leave entitlement. Family leave-LWOP will only be granted when accrued paid leave balances are insufficient to meet the FMLA entitlement. Hour-for-hour compensatory leave will be taken prior to the granting of annual leave or LWOP.

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f. Appropriate toilet facilities are available for both sexes.

g. Females will not be denied the right to any job that they are qualified to perform in reliance upon a Louisiana "protective" law.

h. No seniority lines or lists are maintained solely by gender.

i. The DOTD does not restrict either sex to certain job classifications.

j. Distinction based on gender will not be made in any training program.

2. RELIGION AND NATIONAL ORIGIN. No person shall, on the basis of their religion or national origin, be discriminated against in any employment practice. The DOTD will accommodate the religious observances and practices of an employee or prospective employee unless the section head/district administrator sees a given request as unreasonable. In addressing each case, the section head/district administrator will make a determination by considering, at a minimum, business necessity, financial costs and expenses, and resulting personnel problems.

3. HANDICAPPED AND DISABLED PERSONS, DISABLED VETERANS, AND VETERANS OF THE VIETNAM ERA.

a. HANDICAPPED AND DISABLED PERSON. A handicapped/disabled person is any person who, as follows:

(1) Has a physical or mental impairment which substantially limits one or more major life activities.

(a) "Physical or mental impairment" means any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genital-urinary; hemi and lymphatic; skin; and endocrine; or any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, or specific learning disabilities.

(b) A "Major Life Activity" is a function, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(2) Has a record of such an impairment. "Has a record of such impairment" means a history of or has been misclassified as having a mental or physical impairment that substantially limits one or more major life activity.

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(3) Is regarded as having such an impairment. "Is regarded as having such an impairment" means has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation; has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or has none of the impairments defined above, but is treated as having such an impairment.

b. **QUALIFIED HANDICAPPED AND DISABLED PERSON.** With respect to employment, a qualified handicapped/disabled person is a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question.

c. **DISABLED VETERAN.** A disabled veteran means a person entitled to disability compensation under laws administered by the Veterans Administration for disability rated at 30 percent or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

d. **QUALIFIED DISABLED VETERAN.** A qualified disabled veteran means a disabled veteran as defined above, who is capable of performing a particular job with reasonable accommodation to his or her disability.

e. **VIETNAM ERA VETERAN.** A veteran of the Vietnam Era means a person who, as follows:

(1) Served on active duty for a period of more than 180 days, any part of which occurred between August 5, 1964, and May 7, 1975, and who was discharged or released therefrom with other than a dishonorable discharge, or

(2) Was discharged or released from active duty for a service-connected disability, if any part of such active duty was performed between August 5, 1964, and May 7, 1975. However, no veteran may be considered to be a veteran of the Vietnam Era under this paragraph after December 31, 1991.

f. **POLICY.** The Department's formal EEO policy assures equal employment opportunity including for handicapped/disabled persons, disabled veterans, and veterans of the Vietnam Era.

g. **IMPLEMENTATION.** In meeting the requirements of ensuring Equal Employment Opportunity and Affirmative Action for qualified handicapped and disabled persons, qualified disabled veterans, and veterans of the Vietnam era, the Department will:

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(1) Foster awareness, understanding, acceptance, and support among administrators, managers, supervisors, and all other employees and encourage such persons to take the necessary action to assist in implementing this program. Managers and supervisors will discuss the Department's commitment to equal employment and Affirmative Action for handicapped and disabled person, disabled veterans, and veterans of the Vietnam Era at periodic EEO meetings with their employees.

(2) Review present personnel procedures to ensure consideration of the physical and mental job qualifications of known handicapped and disabled persons, disabled veterans, and veterans of the Vietnam era. To ensure this objective, the DOTD will continually modify current personnel practices.

(3) Recruit at educational institutions for the handicapped, such as schools for the blind, deaf, or mentally challenged. Recruiting sources will be advised of the DOTD's Affirmative Action Program for handicapped and disabled workers, disabled veterans, and veterans of the Vietnam era, and asked to assist in the recruitment of qualified individuals.

(4) Publicize its commitment in employee handbooks and other media.

(5) Discuss the policy thoroughly in both employee orientation and administrative meetings.

(6) Distribute the policy throughout the DOTD, including reproduction in the Department's newsletter.

4. RESPONSIBILITIES FOR IMPLEMENTATION. Responsibilities for implementing the DOTD's Affirmative Action Plan are delineated in Chapter II.